

EXHIBIT 43

WILLDEN.TXT

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UNITED STATES DISTRICT COURT

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DISTRICT OF MASSACHUSETTS

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In Re: Pharmaceutical Industry

MDL No. 1456

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Average

Civil Action No.

Wholesale Price Litigation

01-CV-12257-PBS

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This Document Relates to State of

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Nevada v. Abbott Laboratories, et

al., CA No. 02-CV-00260-ECR

(Nevada I), and

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State of Nevada v. American Home

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Products, et al., CA No.

02-CV-12086-PBS (Nevada II)

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DEPOSITION OF

16

MICHAEL WILLDEN

17

March 21, 2006

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Carson City, Nevada

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SUNSHINE REPORTING SERVICES

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REPORTED BY: DEBORAH MIDDLETON GRECO, CCR #113, RDR, CRR

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6 all kinds of things.

7 Q Did you ever consider a greater discount off the
8 AWP, greater than 15 percent?

9 A Did I ever consider?

10 Q Or were there discussions?

11 A Did Chuck ever consider?

12 Q Yeah?

13 A My only recollection is, you know, when we said
14 we had AWP, and trying get a better deal, I remember a
15 conversations with Chuck, I have heard stories where
16 states have AWP minus something bigger, you know, 17 or
17 something, you know, and I'm going how come we don't have
18 a minus 15 or 17 or 19 number like I hear other states
19 have.

20 Or we go to the national conferences and get
21 told, you know, here is how you try to get a better
22 pharmacy pricing deal, and so I didn't know what a
23 percentage ought to be. I don't have a clue how to
24 calculate it.

25 But I obviously I think communicated to Chuck

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1 that I wanted the best deal the state of Nevada could
2 get.

3 Q Did you ask Mr. Duarte why you didn't have an
4 AWP minus 17 or 19 or other rates that other states have?

5 A Yeah. And, yeah, we have had that kind of
6 discussion, and it's.

7 Q What did he say in response to that?

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8 A I don't know how to describe it in the terms of,
9 you know, pharmacy pricing is complex, you have got to,
10 you know, he will throw in the access issue and fill fee
11 issue, and rebates and supplemental rebates, and would
12 generally say I think we're getting the best thing we
13 can. Multistate purchasing and throw a lot of complex
14 factors in there and say, I think we're getting a good
15 deal. That's what we would say or the best deal we have
16 been able to negotiate.

17 Q When you say best deal you can negotiate, I
18 mean, Medicaid program can set whatever rate it want; is
19 that correct?

20 A I don't know that detail. I guess, set whatever
21 rate, assuming you can get people, medical vendors to
22 sign up for the Medicaid program when you say set rate,
23 set rates with pharmacies or physicians or hospitals
24 or --

25 Q Well, for?

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1 A All of above.

2 Q For any of the providers.

3 A Well, I would say we have set rates that
4 providers leave in droves, and then we he reset the rate.

5 Q You mentioned your fill fees, demeanor of
6 Medicaid patients, coinsurance issues, do you recall any
7 other concerns raised by Medicaid providers about the
8 Medicaid program?

9 A Late payments. I have said that. Not so much

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10 in pharmacy. I mean, because the point of sale system I
11 understand works fairly well in Nevada after we got
12 through the initial conversion, but, yeah, we hear from
13 providers all the time about late payments, untimely
14 payment, difficulty in billing.

15 Q Do you recall any complaints that reimbursement
16 rates for drugs was too low?

17 A Not specifically.

18 Q Did anyone ever express concerns to you about
19 the cost of the Medicaid program?

20 A Did anyone ever express concerns? Daily.

21 Q And who, who would express those concerns to
22 you?

23 A I guess we'll start with the legislature, I mean
24 they express concerns quite frequently about the high
25 cost of providing healthcare to Nevada's poor.

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1 State budget office, governor's office.

2 Concerns over high cost of healthcare.

3 We get letters from the man on the street, the
4 woman on the street. You know, press, you name it.
5 We'll get, you know, a complaint or a concern of the high
6 cost of healthcare.

7 And rapid growth of the Medicaid program.
8 Probably could get some senators and assembly man's
9 specific names, but I would prefer not to, but some are
10 more interested in the costs than others.

11 Q You said that Mr. Duarte came to you and